IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2877 OF 2007

Mr.Arkade Chandrakant Abhimanyu. ...Petitioner

vs.

1.The State of Maharashtra & ors. ...Respondents.

Mr.A.M.Joshi, for Petitioner.

Mr.V.P.Malvankar, for Respondent nos.1 to 3.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 29th NOVEMBER,2007.

P.C.:-

1. The learned Counsel appearing for Education officer states that as per Rule 12 of the Rules framed under the Maharashtra Employees of Private Schools Act it is the duty of the management to prepare a seniority list of the

teachers and after obtaining signatures of the teachers submit it to the Education officer. It is thereafter that the Education officer can decide the dispute about the seniority list and can finalise the seniority list. He further submits that it is also for the management to submit to the Education officer any objection received from the teachers regarding pay fixation. He submits that the Education officer has not received either any proposal in relation to the petitioner for pay fixation or the management has also not prepared and submitted any seniority list to him. The learned Counsel appearing for petitioner, on the other hand, submits that he has submitted the objection regarding his pay fixation to the management. In this view of the matter therefore, in our opinion, the following order would meet the ends of justice:-

(i) The Education officer-respondent no.3

shall write to the management directing it to prepare a seniority list as per the law and to follow the procedure laid down by the law in relation thereto and to submit it to the Education officer as required by Rule 12 of the Rules framed under M.E.P.S. Act, as also ask the management to submit any objection received from the petitioner or other teachers regarding their pay fixation.

(ii) The Education officer shall make it clear that if the management does not comply with the directions, action will be taken against the management.

(iii) The Education officer, after receiving the proposal from the management, shall decide it in accordance with law.

Petition is disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)